

REMARKS

Claims 1-11, 26-29, 32-35, 39-42, 46-49, and 53-56 are pending in the current application. Claims 1-11, 26-29, 32-35, 39-42, 46-49, and 53-56 currently stand rejected, and claims 1 and 26-29 have been amended. Reconsideration and withdrawal of the rejections to claims 1-11, 26-29, 32-35, 39-42, 46-49, and 53-56 are respectfully requested in light of the preceding amendments and following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1 and 26-29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner rejects the term “still picture unit configured to be reproduced without reproduction of the audio data” recited in the independent claims for lacking written description. Applicants respectfully submit that this term has been removed from each independent claim. As such, all subject matter remaining in each independent claim possessed written description. Withdrawal of the rejections to claims 1 and 26-29 under 35 U.S.C. § 112, first paragraph is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-11, 26-29, 32-35, 39-42, 46-49, and 53-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat Pub 2002/0164152 to Kato et al. (“Kato”) in view of US Pat Pub 2001/0046371 to

Ando et al. ("Ando") and US Pat Pub 2001/0056580 to Seo et al. ("Seo"). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner admits that Kato and Ando lack a "still picture unit including the at least one still picture and associated graphic data, the still picture and associated graphic data in the still picture unit configured to be reproduced synchronously," for which Seo paragraph [0006] alone is applied. Applicants respectfully submit that, as recited in each independent claim, the still picture unit is a member of the presentation data in the **first clip stream file "not including audio data."** The transport stream of Seo applied for teaching contents of the still picture unit, however, includes **both audio and video data.** See Seo, ¶ [0006]. This transport stream content of Seo violates the recited proscription against the first clip stream file, which includes the still picture and associated graphic data, from including any audio data. As such, Seo lacks any still picture and graphic data that are within an audio-less still picture unit as recited in each independent claim.

Further, Seo teaches that the PL data is extracted from the original transport stream; however, actual graphic data is generated by the reproduction device (television set). See Seo, ¶¶ [0006]-[0007]. That is, **no graphic data is present in the transport stream** provided to the reproduction device in Seo, otherwise there would be no need to generate graphic data in the television of Seo. The independent claims, however, recite a "recording medium" having a **"playlist area storing . . . the graphic data"** such that a transport stream like in Seo generated from the recording medium in the

independent claims would include the graphic data without need for the reproduction device to generate the graphic data. As such, Seo further lacks graphic data stored on the recording medium as recited in each independent claim.

The Examiner replies to Applicants' argument that still picture data in Ando is always reproduced synchronously with audio data, by alleging that ASVOBs in Ando, when reproduced randomly, are asynchronous from audio data. Applicants respectfully submit this is not what Ando teaches. **Each ASVOB contains a thumbnail picture that is reproduced with corresponding audio, whenever an ASVOB is reproduced, randomly or in browse mode.** See Ando, ¶¶ [0443]-[0445] ("Audio still video ASV is still picture data to be presented together with audio data"); FIG. 37. The random picture functionality in paragraphs [0334] and [0335] and FIG. 28A does not alter this correspondence; the random ASVOBs are still reproduced with a cell including audio data. Compare Ando, FIG. 28A, PGC#3, cell with corresponding ASVOBs with Ando, FIG. 7, elements (a), (b); FIG. 40; ¶¶ [0466]-[0469] (ASVOBs always coordinated with audio tracks in PGC). As such, still picture reproduction in Ando is not asynchronous from audio reproduction.

None of Seo, Ando, or Kato complementarily cure the differences between Seo and Ando and the independent claims discussed above. Because Kato, alone or in combination with Ando and Seo, fails to teach or suggest each and every feature of claims 1 and 26-29, these references cannot anticipate or render obvious claims 1 and 26-29. Claims 2-11, 32-35, 39-42, 46-49, and

53-56 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection under 35 U.S.C. § 103 to claims 1-11, 26-29, 32-35, 39-42, 46-49, and 53-56 is respectfully requested.

Entry of Amendment After Final

Entry of the preceding claim amendments following the closing of prosecution in connection with the subject application is respectfully requested. As shown above, the claim amendments place the application in condition or allowance, and/or at least clarify issues before appeal by overcoming the rejections under § 112. The amendments further do not require further search or consideration, as the claims were already searched and rejected without the subject matter removed by the above amendments. Entry of such amendments after final is permitted under 37 C.F.R. § 1.116, and Applicants respectfully request the same.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-11, 26-29, 32-35, 39-42, 46-49, and 53-56 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ryan Alley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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